

Paul Kampmeier, WSBA #31560                      The Honorable Rosanna Malouf Peterson  
Emma Bruden, WSBA #56280  
(located in Oregon)  
Kampmeier & Knutsen PLLC  
811 First Avenue, Suite 468  
Seattle, Washington 98104  
Telephone: (206) 858-6983 (Kampmeier)  
                    (503) 719-5641 (Bruden)  
Email: paul@kampmeierknutsen.com  
              emma@kampmeierknutsen.com

*Attorneys for Plaintiffs*

Marla S. Fox, WSBA #45611  
WildEarth Guardians  
P.O. Box 13086  
Portland, Oregon 97213  
Telephone: (503) 434-7737  
Email: mfox@wildearthguardians.org

*Attorney for Plaintiff WildEarth Guardians*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CONSERVATION NORTHWEST and	)	
WILDEARTH GUARDIANS,	)	
	)	No. 2:20-cv-00450-RMP
Plaintiffs,	)	
	)	
v.	)	STIPULATED MOTION
	)	TO DISMISS
U.S. FOREST SERVICE and RODNEY	)	
SMOLDON, Forest Supervisor, Colville	)	
National Forest,	)	HEARING: July 26, 2021
	)	Without Oral Argument
Defendants.	)	
	)	

STIPULATED MOTION  
TO DISMISS – 1

Kampmeier & Knutsen PLLC  
811 First Avenue, Suite 468  
Seattle, Washington 98104  
(206) 858-6983

1 Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs Conservation  
2 Northwest and WildEarth Guardians (“Plaintiffs”) and Defendants the United  
3 States Forest Service and Rodney Smoldon, Forest Supervisor of the Colville Na-  
4 tional Forest (“Defendants”) (collectively “the Parties”) hereby respectfully request  
5 that the Court sign and enter the attached Stipulated Order of Dismissal, which re-  
6 flects the Parties’ agreement to dismiss this case in light of Defendants’ recent  
7 withdrawal of the agency decision that was the focus of Plaintiffs’ claims.  
8  
9

10  
11 Federal Rule of Civil Procedure 41(a)(2) allows a court to dismiss an action  
12 at a plaintiff’s request on terms the court considers proper. As reflected in the at-  
13 tached Stipulated Order of Dismissal, the Parties agree that Plaintiffs are entitled to  
14 an award of attorneys’ fees and costs under the Endangered Species Act (“ESA”)  
15 in an amount to be determined by the Court. The Parties agree that Defendant will  
16 not challenge Plaintiffs’ entitlement to such an award, but that Defendants may (1)  
17 contest the reasonableness of Plaintiffs’ attorneys’ time and hourly rates; and (2)  
18 request that time billed on non-ESA-related claims be excluded. And the Parties  
19 agree the deadline for Plaintiffs to file a motion for costs and attorneys’ fees under  
20 Federal Rule of Civil Procedure 54(d) should be set at sixty days after entry of the  
21 Parties’ proposed order as an Order of the Court. The Parties respectfully submit  
22 that the attached Stipulated Order of Dismissal is fair, reasonable, equitable, does  
23  
24  
25  
26  
27  
28  
29

1 not violate the law or public policy, and that it comes within the scope of the plead-  
2 ings and furthers the broad objectives upon which the complaint is based. *See Si-*  
3 *erra Club, Inc. v. Electronic Controls Design, Inc.*, 909 F.2d 1350, 1355 (9th Cir.  
4 1990) (citations omitted). Accordingly, the Parties respectfully request entry of the  
5 proposed Stipulated Order of Dismissal filed with this motion.  
6  
7

8 RESPECTFULLY SUBMITTED this 4th day of June 2021.

9 KAMPMEIER & KNUTSEN PLLC

10 By: s/ Paul A. Kampmeier

11 Paul A. Kampmeier, WSBA #31560

12 Kampmeier & Knutsen PLLC

13 811 First Avenue, Suite 468

14 Seattle, Washington 98104

15 Telephone: (206) 858-6983

16 Email: paul@kampmeierknutsen.com

17 *Attorneys for Plaintiffs*

18 WILDEARTH GUARDIANS

19 By: s/ Marla S. Fox

20 Marla S. Fox, WSBA #45611

21 P.O. Box 13086

22 Portland, Oregon 97213

23 Telephone: (651) 434-7737

24 Email: mfox@wildearthguardians.org

25 *Attorney for Plaintiff WildEarth Guardians*

26 William D. Hyslop

27 United States Attorney, E.D. Washington

28 By: s/ John T. Drake

29 John T. Drake, AUSA

Derek T. Taylor, AUSA

*Attorneys for Defendants*

STIPULATED MOTION  
TO DISMISS – 3

Kampmeier & Knutsen PLLC  
811 First Avenue, Suite 468  
Seattle, Washington 98104  
(206) 858-6983

**CERTIFICATE OF SERVICE**

I hereby certify that on June 4, 2021, I electronically filed the foregoing Stipulated Motion to Dismiss and the attached [Proposed] Stipulated Order of Dismissal with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the attorneys of record.

s/ Paul A. Kampmeier  
Paul A. Kampmeier, WSBA No. 31560

*Attorney for Plaintiffs*